



**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

14690.002USB

In re Application of: MYERSON et al.

Application No.: 10/056490

Filed: 01/24/2002

For: **METHOD FOR PRODUCING CRYSTAL POLYMORPHS AND CRYSTAL POLYMORPHS  
PRODUCED THEREBY**

The owner\*, Polytechnic Universit, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on XX pending second Application Number 09/965,751, filed on 9/28/2001, of any patent on the the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

*Laurence P. Colton*  
Signature

5 September 2001

Date

Laurence P. Colton

Typed or printed name

770.522.9762

Telephone Number

Void date: 09/10/2003 EAREGAY1  
09/10/2003 EAREGAY1 00000014 10056490  
02 FC:1814 110.00 OP

09/10/2003 EAREGAY1 00000157 10056490

01 FC:2814 55.00 OP

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

2000-002USB  
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10/09/2003

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Application No.: **10/056490**

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2. ☒ The undersigned is an attorney or agent of record.

09/10/2003 EAREGAY1 00000157 10056490

02 FC:28.4 55.00 OP

09/10/2003 EAREGAY1 00000014 10056490

02 FC:18.4 110.00 OP

Laurence P. Colton 5 September 2003  
Signature Date  
Laurence P. Colton  
Typed or printed name  
770.522.9762  
Telephone Number

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